

**REMARKS**

The applicants originally submitted claims 1-21 in this application. In a previous response to a restriction requirement, the applicants elected Group I (claims 1-20). In this response to the current Office Action, the applicants have amended claims 1-3, 6, 9, 13 and 16, and canceled claim 21. Accordingly, claims 1-20 remain pending in this application.

Authorization is hereby given to charge the \$120.00 fee for a one-month extension of time to Fitel USA's Deposit Account No. 50-2074. In the event that additional fees are required for further extensions of time and/or a net addition of claims, authorization is also given to charge such fees to said Deposit Account.

**Claim Rejections – 35 U.S.C. § 112**

The Examiner rejected claims 1-20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicants regard as the invention. More specifically, the Examiner states that the claims are indefinite for various reasons.

In response, the applicants have amended independent claims 1, 3, 9, 13 and 16 to correct various instances of indefinite language. More specifically, the applicants have amended independent claims 1, 3, 9 and 16 to properly establish antecedent basis for the language "partial pressure of oxygen," and for the language "the optical fiber preform." Also, the applicants have amended independent claims 1, 3, 9, 13 and 16 to clarify that the first atmosphere includes oxygen and at least one of fluorine, fluorine-containing gases, chlorine, chlorine-containing gases, and carbon monoxide. The applicants note that, in these claims, the list of gases in addition to oxygen is not meant to be a Markush group. Had the applicants intended to recite a Markush group, the applicants would have used the language "at least one gas chosen from the group consisting of" or "at least one gas chosen from the group consisting essentially of." The applicants respectfully submit that, in view of the amendments to claim

1 as discussed above, the language at issue is sufficiently clear to denote the applicants' claimed subject matter.

The applicants have amended claim 2 to clarify that the preform is the same preform as that of claim 1 and that the drawing step is the same drawing step as that of claim 1.

The applicants have amended claim 6 remove a typographical error: the language "[RIT overlaid]" has been removed. With respect to the Examiner's comments regarding the overlaid optical fiber preform, the applicants respectfully note that the steps recited in claim 6 further define the overlaid step recited in claim 2. The language in claim 6 does not call for further overlaid, as stated by the Examiner. The applicants respectfully submit that the language at issue is clear, as conventional claim drafting rules allow for a step in a method claim to be further comprised of one or more steps in a subsequent claim that depends from the previous claim.

The applicants have amended claim 16 to recite that any change in transmission loss is less than 0.05 dB/km. The applicants respectfully submit that such amendment eliminates the Examiner's antecedent basis concern. Also, the applicants respectfully submit that it is clear from the language in the claim that any change in transmission loss thereafter, no matter how long thereafter, is less than 0.05 dB/km.

In view of the claim amendments and foregoing remarks, the applicants respectfully submit that claims 1-20 are clear, and respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §112.

#### **Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected claims 1-5 and 7-20 under 35 U.S.C. §103(a) as being unpatentable over Blankenship (U.S. Patent No. 5,059,229). The applicants respectfully traverse the rejection in view of the foregoing claim amendments and the remarks set forth below.

The applicants' have amended independent claims 1, 9 and 16 to clarify that the applicants' invention includes adjusting the partial pressure of oxygen, in

atmospheres in which various steps of the fiber preform formation process are performed, to reduce aging loss of fibers drawn from those preforms. Support for the amendments is found in the applicants' specification, e.g., from page 8, line 12 to page 9, line 3. The applicants adjust the partial pressure of oxygen during the dehydration process (independent claims 1 and 16) and/or during the overcladding process (independent claims 9 and 16). Nothing in Blankenship et al. or any other cited art discloses or suggests adjusting the partial pressure of oxygen in various atmospheres during various steps of the process for making fiber preforms.

Blankenship et al. discloses a method for making optical fiber having reduced hydrogen sensitivity. The method includes drawing optical fiber from a preform in a hydrogen-containing atmosphere. The drawn fiber has reduced attenuation due to hydrogen absorption. However, nothing in Blankenship et al. discloses or suggests adjusting the partial pressure of oxygen during one or more steps in the preform-making process.

The applicants' invention as recited in independent claims 1, 9 and 16, as amended, recites adjusting the partial pressure of oxygen during various steps in the preform-making process. Blankenship et al. say nothing about adjusting the partial pressure of oxygen atmospheres. Therefore, the applicants' respectfully submit that it is clear that Blankenship et al. do not disclose or suggest the applicants' invention as recited in independent claims 1, 9 and 16, as amended. Accordingly, the applicants respectfully submit that the applicants' invention as recited in independent claims 1, 9 and 16, as amended, clearly is not obvious in view of Blankenship et al.

Claims 2-5 and 7-8 depend from independent claim 1 and incorporate all of the features of independent claim 1. Thus, the applicants respectfully submit that claims 2-5 and 7-8 are allowable at least for all of the reasons discussed above in connection with claim 1. Furthermore, claims 2-5 and 7-8 include other features that, when combined with the subject matter of independent claim 1, are not shown in or suggested by the art of record. Similarly, claims 10-15 and 17-20 depend from independent claims 9 and 16, respectively, and incorporate all of

the features of their respective independent claim. Thus, the applicants respectfully submit that claims 10-15 and 17-20 also are allowable at least for all of the reasons discussed above in connection with their respective independent claim. Furthermore, claims 10-15 and 17-20 include other features that, when combined with the subject matter of their respective independent claim, are not shown in or suggested by the art of record.

In view of these remarks, the applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. §103(a) over Blankenship et al.

The Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Blankenship as applied to claim 1 above, and further in view of Fleming (U.S. Patent No. 5,364,427). As discussed hereinabove with respect to the Examiner's rejection of the applicants' claims 1-5 and 7-20, the applicants respectfully submit that Blankenship et al. do not disclose or suggest the applicants' invention as recited in claims 1-5 and 7-20. Fleming, which is cited for its use of an overlapping tube to save cost, does not cure the deficiencies of Blankenship et al. with respect to the applicants' invention as recited in claims 1-5 and 7-20.

Claim 6 depends indirectly from independent claim 1 and incorporates all of the features of claim 1. Furthermore, claim 6 includes other features that, when combined with the subject matter of independent claim 1, are not shown in or suggested by the art of record. In view of these remarks, the applicants respectfully request that the Examiner withdraw the rejection of claim 6 under 35 U.S.C. §103(a) over Blankenship et al. in view of Fleming.

The applicants submit that all claims now are in patentable form, and respectfully urge that all the claims be allowed and the application be passed to issue. If the Examiner disagrees, the Examiner is invited to call the attorney for the applicants at the telephone number provided below.

Respectfully submitted,

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